



12-27-04

RCE DPP

<b>REQUEST For CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>		Application Number 09/005,318
Address to: <b>MAIL STOP RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450</b>		Filing Date January 9, 1998
(Revised 09/2003)		First Named Inventor: Hein et al.
		Art Unit: 1647
		Examiner Name: David S. Romeo
		Confirmation No.: 2353
		Attorney Docket No. 040989/283662 (Formerly 310098.401C1)

This is a request for **Continued Examination (RCE)** under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - ii.  Other
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavits(s)/Declarations(s)
  - iii.  Information Disclosure Statement (IDS); of cites listed on PTO Form 1449
  - iv.  Other--Petition for Five-Month Extension of Time

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other

12/28/2004 HDEMESS1 00000082 09005318

01 FC:2801

395.00 OP

In re: Hein et al.

Appl. No.: 09/005,318

Filed: January 9, 1998

Page 2

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge any fee deficiencies, or credit any overpayments to Deposit Account No. 16-0605.

i.  RCE fee required under 37 C.F.R. § 1.17(e)  
(\$790.00 large entity; \$395.00 small entity)

ii.  Extension of Time Fee (37 C.F.R. §§ 1.136 and 1.17)

iii.  Other

b.  Checks in the amount of \$\$395 for RCE Fee and \$1,080 for Five-Month Extension of Time enclosed

Respectfully submitted,

*Kathryn L. Coulter*

Kathryn L. Coulter  
Registration No. 45,889

<p>Customer No. 00826 <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p><b>CERTIFICATE OF EXPRESS MAILING</b> "Express Mail" Mailing Label Number EV184328285US Date of Deposit: December 23, 2004 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  <i>Nora C Martinez</i> Nora C. Martinez</p>
--	---